REMARKS/ARGUMENTS

Claims 25-36 are currently pending in this application.

Request for Withdrawal of the Finality of the Office Action

The Applicants respectfully requests that the Examiner withdraw the finality of the Office Action mailed on October 7, 2008 because an RCE has been filed herewith.

Claim Rejections - 35 USC §103(a)

Claims 25-26 are rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 5,915,216 to Lysejko (hereinafter Lysejko) in view of U.S. Patent No. 5,608,722 to Miller (hereinafter Miller).

Lysejko discloses a method of transmitting and receiving information in a wireless system. More specifically Lysejko discloses a mobile device having multiple operating modes having different transmitting powers and different transmitting rates. Lysejko is further directed to a method of reducing transmitting power during system idle periods. A further goal of Lysejko is to efficiently change between different transmitting powers and different transmit rates. The section cited by the Examiner states as follows:

> A spreader 286 splits the 320 kilobits per second signal of convolutional encoder 284 into two 160 kilobits per second I and Q signals and exclusively ORs these signals with the spreading sequence generated by a code generator 288 in response to a system clock generated by clock generator 290 as adjusted by code synchronization signal 234. (Col. 15, ll. 34-40.)

Lysejko, however, only generally mentions transmitting a spread signal, and as the Examiner notes, fails to teach the pending claims.

Miller discloses a method for receiving signals in gateways for satellite repeater type spread spectrum communication systems making more efficient use of data transfer capacity and diversity processing. In rejecting the claim, the Examiner cites the following section:

> Spread spectrum type communication systems, such as in FIG. 1, use a waveform based on a direct sequence pseudonoise (PN) spread spectrum carrier. That is, a baseband signal is modulated using a pseudonoise sequence to achieve the desired spreading effect. The PN sequence consists of a series of `chips` which have a frequency much higher than the baseband communication signal being spread. A typical chip rate is on the order of 1.2288 MHz and is chosen according to total bandwidth desired or allowable signal interference, and other criteria relating to signal strength and quality which are known to those skilled in the art. Those skilled in the art appreciate how the chip rate is modified according to allocated spectrum, in view of cost constraints and communication quality trade-offs.
>
> In the base station- or gateway-to-subscriber link, the binary sequences used for spreading the spectrum are constructed from two different types of sequences, each having different properties and serving a different function. An `outer` code is used to discriminate between signals transmitted by different base stations and between multipath signals. This outer code is shared by all signals in a cell, Or beam and is generally a relatively short PN code sequence. An `inner`

> code is then used to discriminate between the different users within a region or between user signals transmitted by a single base station, gateway, or satellite beam, on the forward link. That is, each subscriber unit has its own orthogonal channel provided on the forward link by using a unique covering PN code sequence. On the reverse link, the user signals are not completely orthogonal but are differentiated by the manner in which they are code symbol modulated. Col. 10, ll. 34-65.

With respect to claim 25, while the cited portion notes that there may be two sequences, Miller fails to disclose spreading the data, wherein a portion of the second pseudo-random code is used to affect the spreading of the data and wherein the portion of the second pseudo-random code has a length based on the length of the first pseudo-random code, as is recited in the pending claims.

Claim 32 contains a similar limitation as claim 25 and the Applicant submits this claim is novel over the cited art of record for the same reasons provided above.

With respect to claim 30, the portion cited by the Examiner does not discuss generating PN codes of any particular chip lengths. Accordingly, the cited references fail to teach or suggest generating a first pseudo-random code having a length equal to a first number of chips, and the circuit being configured to generate a portion of a second pseudo-random code, the second pseudo-random code having a length equal to a second number of chips, the

first number of chips being less than the second number of chips, and the portion of the second pseudo-random code having a length equal to the first number of chips, as is recited in the pending claims.

Claims 33 and 35 each contain similar limitations as claim 30 the Applicant submits that these claims are novel over the cited art of record.

Claims 26-29, 31, 34, and 36 are dependent upon claims 25, 30, 32, 33 and 35 and the Applicant believes these claims are allowable over the cited references of record for the same reasons provided above.

Based on the arguments presented above, withdrawal of the rejection of claims 25-36 is respectfully requested.

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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Enclosure 1